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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,848	07/24/2001	Kim Powell	ORCL 2000-069-01	6014

7590 01/10/2008	EXAMINER
WAGNER, MURABITO & HAO LLP	DASS, HARISH T

ART UNIT	PAPER NUMBER
3692	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/912,848	POWELL ET AL.
	Examiner	Art Unit	
	Harish T. Dass	3692	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 October 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-17</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over

Alaia et al (hereinafter Alaia – US 20020046148) in view of Langseth et al. (hereinafter

Langseth US 6,671,715) and Parsons et al. (hereinafter Parsons – US 6,871,214).

Re. Claim 1, Alaia discloses b) conducting an auction wherein bid information received from

the remote bidders is compared to determine a bid status and wherein the bid status is used

to determine the bid status updates for the remote bidders [Figures 6A-9B, para. 0026, 0030-

0034, 0040], c) disseminating the bid status updates to the remote bidders via the distributed

computer network in accordance with the update configuration information [Figures 6A-6D

and associated paragraph page 1, para. 0069-0072], and

d) designating an auction winner at the conclusion of the auction in accordance with a most

competitive bid of the bid status [para. 0137, 0158].

Alaia does not explicitly disclose receiving update configuration information from remote

bidders via a distributed (broadcast) computer network, the update configuration

information for receiving bid status updates. However, Langseth disclose [Abstract;

Figure 2A; col. 3 lines 12-21; col. 5 lines 35-55; col. 11 lines 27-30; col. 13 lines 40-47]

to allow a subscriber (user) a personalized service and receiving timely financial service content. It is known that stocks are auction and bided by the traders on exchange and the price/volume (status) is feed back to the traders and public. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Alaia and include receiving update configuration information from remote bidders via a distributed computer network, the update configuration information for receiving bid status updates (stock price), as disclosed by Langseth, to provide customized financial information/alert at a right time based on the users preference.

Parsons discloses including a time interval for receiving alerts (preconfigured or dynamically configured by the user to send only messages at certain time interval_) [abstract; col. 6 line 18 to col. 8 line 2]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Alaia and Langseth and include a time interval for receiving alerts, as disclosed by Parsons to send only messages at certain time intervals, hence the user is not overwhelmed by the alerts.

Re. Claim 2, Alaia discloses accessing a specification for an item for the auction, the specification for the item provided by the seller [para. 0007, 0008-0009, 0074, see buyer-bidding auction].

Re. Claim 3, Alaia discloses specifying initial conditions for the auction, the initial conditions including an allotted time for the auction [para. 0091, 0142, 0181].

Re. Claim 4, Alaia discloses 4. The method of Claim 1 further including the step of: selecting the time interval for the update configuration information by using a graphical user interface of a browser [Figure 3 # 10 & #30, para. 0008, 0026, 0174 – priceline website inherent GUI of a browser].

Re. Claim 5, Alaia discloses wherein the time interval for the update configuration information allows the remote bidders to receive the bid status updates automatically in accordance with the time interval [Figures 6A-9B, para. 0026, 0030-0034, 0037, 0040].

Re. Claim 6, Alaia discloses adjusting the time interval for the update configuration information dynamically as the auction is conducted [para. 0100-0102].

Re. Claim 7, Alaia discloses changing a specification for the item for the auction dynamically as the auction is conducted [para. 0055-0056, 0124], and disseminating the changed specification for the item to the remote bidders via the distributed computer network in accordance with the update configuration information [para. 0026, 0027, 0030].

Re. Claim 8, Alaia discloses storing the update configuration received from the remote

bidders at an exchange server host to enable the providing of the bid status to the remote

bidders [para. 0026-0027, 0100].

Re. Claim 9, Alaia discloses wherein the distributed computer network is the Internet [para.

026].

Re. Claim 10, Alaia discloses a) accessing a specification for items for the auction [para.

0007-0009, 0074, see database to get information],

b) accessing initial conditions for the auction, the initial conditions including an allotted time

for the auction [para. 0091, 0142, 0181], d) conducting an auction wherein bid information

received from the remote bidders is compared to determine a bid status and wherein the bid

status is used to determine the bid status updates for the remote bidders [Figures 6A-9B,

para. 0026, 0030-0034, 0040], e) disseminating the bid status updates to the remote

bidders via the distributed computer network in accordance with the update configuration

information [Figures 6A-6D and associated paragraph page 1, para. 0069-0072], and

f) designating an auction winner at the conclusion of the auction in accordance with a most

competitive bid of the bid status [para. 0137, 0158].

Alaia does not explicitly disclose receiving update configuration information from

remote bidders via a distributed computer network, the update configuration information for

transmitting bid status updates to the remote bidders. However, Langseth disclose

[Abstract; Figure 2A; col. 3 lines 12-21; col. 5 lines 35-55; col. 11 lines 27-30; col. 13

lines 40-47] to allow a subscriber (user) a personalized service and receiving timely

financial service content. It is known that stocks are auction and bided by the traders on

exchange and the price/volume (status) is feed back to the traders and public. It would

have been obvious at the time the invention was made to a person having ordinary skill

in the art to modify the disclosure of Alaia and include receiving update configuration

information from remote bidders via a distributed computer network, the update configuration

information including a time interval for receiving bid status updates (stock price), as

disclosed by Langseth, to provide customized financial information/alert at a right time

based on the users preference.

Parsons discloses including a time interval for transmitting alerts (preconfigured

or dynamically configured by the user to send only messages at certain time interval_)

[abstract; col. 6 line 18 to col. 8 line 2]. It would have been obvious at the time the

invention was made to a person having ordinary skill in the art to modify the disclosure

of Alaia and Langseth and include a time interval for receiving alerts, as disclosed by

Parsons to send only messages at certain time intervals, hence the user is not

overwhelmed by the alerts.

Re. Claim 11, Alaia discloses receiving the time interval for the update configuration

information from a graphical user interface of a browser on a client machine [Figure 3 # 10

& #30, para. 0008, 0026, 0027, 0030, 0174 – priceline website inherent GUI of a browser].

Re. Claim 12, Alaia discloses wherein the time interval for the update configuration

information causes the server to transmit the status updates to the remote bidders

automatically in accordance with the time interval [Figures 6A-9B, para. 0026, 0030-0034,

0037, 0040].

Re. Claim 13, Alaia discloses adjusting the time interval for the update configuration

information dynamically as the auction is conducted [para. 0100-0102].

Re. Claim 14, Alaia discloses changing a specification for an item for the auction

dynamically as the auction is conducted [para. 0055-0056, 0124], and

disseminating the changed specification for the item to the remote bidders via the

distributed computer network in accordance with the update configuration information [para.

0026, 0027, 0030].

Re. Claim 15, Alaia discloses storing the update configuration received from the remote

bidders at an exchange server host to enable the providing of the bid status to the remote

bidders [para. 0026-0027, 0100].

Re. Claim 16, Alaia discloses wherein the distributed computer network is the Internet

[para. 026].

Re. Claim 17, Alaia discloses accessing a specification for an item for the auction, the

specification for the item provided by the buyer [para. 00017, 0007-0009, 0074].

Response to Arguments

2.   Applicant's arguments filed 10/22/2007 have been fully considered but they are

not persuasive. Examiner's response are only to the claimed limitation.

In response to applicant's remarks, recitation of page 8, that "Applicants assert that

Alaia does not show or suggest update configuration information ..." *Claims 1-17 are*

rejected under 35 U.S.C. 103(a) as being unpatentable over Alaia et al., Langseth et al.

and Parsons et al. Alaia is a primary reference and Langseth et al. and Parsons et al.

are secondary reference.

        Reference to independent claim 1: Alaia discloses the concept and process of b)

conducting an auction, c) disseminating the bid status updates to the remote bidders, and d)

designating an auction winner at the conclusion of the auction (see entire Alaia et al. as require

by MPEP and also see adjustment, "Decision rules can be set dynamically during the course of

the bidding event by the bidder", "Bids are submitted over this connection and updates are sent

to connected bidders", "shows the changes of status of various parameters in the auction as

bids are received", "re-evaluated"). The limitations that are/is explicitly not disclosed by the

primary reference are/is disclosed by secondary references. Secondary reference Langseth et

al. discloses the concept of receiving update configuration information from remote

bidders via a distributed (broadcast) computer network, the update configuration

information for receiving bid status updates (see entire reference of Langseth et al. per

MPEP and the rejection above), also see *In re Oetiker*, 977 F.2d 1443, 24

USPQ2d 1443 (Fed. Cir. 1992), and In re KSR. Secondary reference Parson et al.

discloses a time interval for receiving alerts (see entire reference of Parson et al. per

MPEP).

Reference to independent claim 10: Alaia discloses the concept and process of

a) accessing a specification for items for the auction, b) accessing initial conditions for

the auction, d) conducting an auction wherein bid information received from the remote

bidders is compared to determine a bid status, e) disseminating the bid status updates to the

remote bidders, and f) designating an auction winner at the conclusion of the auction (see

entire Alaia et al. as require by MPEP and also see adjustment, "Decision rules can be set

dynamically during the course of the bidding event by the bidder", "Bids are submitted over this

connection and updates are sent to connected bidders", "shows the changes of status of

various parameters in the auction as bids are received", "re-evaluated"). The limitations that

are/is explicitly disclosed by the primary reference are/is disclosed by secondary references.

See supra.

In response to applicant's argument, recitation of page 8, that the references fail to

show certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., Alaia do not describe any "user selectable update configuration

information") are not recited in the rejected claim(s). Although the claims are interpreted

in light of the specification, limitations from the specification are not read into the claims.

See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument (recitation of page 9, which points out to dependent claims 6 and 13) that "Applicants assert that Langseth does not show the use of any time interval for receiving updates that is user selected and that can be adjusted dynamically during the auction", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See MPEP section 2106.

In response to applicant's argument, recitation of page 9, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "dynamic two way auction") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

3.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the
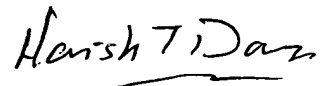
shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Harish T. Dass whose telephone number is 571-272-

6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass   *Harish T Dass*
Primary Examiner
Art Unit 3692

1/6/08